IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8177 of 2004

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

ANKUR GHANSHYAM PATEL

Versus

PAY CENTRE SCHOOL

Appearance:

MR NIRAV C THAKKAR for Petitioner No. 1

MR HS MUNSHAW for Respondent No. 1

MS NANDINI JOSHI, AGP, for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 08/10/2004

ORAL JUDGEMENT

1. By way of this petition the petitioner has prayed for a direction to the respondent authorities to make necessary correction in the column of place of birth in the school leaving certificate issued by it by changing the place "Valasan" to "Anand" and to issue necessary

amended certificate accordingly.

2. According to the petitioner, he was born on 17th August 1984 at Kalpana Hospital, Anand. Accordingly his place of birth is mentioned as "Anand" in his birth certificate issued by the competent authority. However, due to some mistake, the place of birth of the petitioner is mentioned as "Valasan, Taluka Anand" in the school leaving certificate. Since the correct place of birth is "Anand" the petitioner approached the respondent authority to correct the place of birth in the school leaving certificate which came to be rejected.

3. Learned counsel for the respondent pointed out that the District Education Officer has no jurisdiction to entertain and effect such change in the school leaving certificate and the petitioner has to approach the Judicial Magistrate, First Class, having jurisdiction under section 13(3) of the Registration of Births & Deaths Act, 1969. Learned counsel for the respondent has relied upon a decision of Division rendered in Letters Patent Appeal No.699 of 2003 dated 11.8.2003 wherein the Division Bench has dealt with the very same issue. In para 4 of the said decision the Division Bench held as under:

> "4. ...Therefore, in view of Regulation 12-A Gujarat Secondary Education Regulations, 1974, school record could not have been corrected after the son of appellant had left the school. The only remedy of the appellant was to approach learned Magistrate, First Class, having jurisdiction in the matter for redressal of his grievance as provided under Section 13(3) of the Act. Therefore, the learned Single Judge was justified in concluding that the appellant has alternative remedy and that it was not necessary to entertain the petition filed under Article 226 of the Constitution. .."

4. In view of the above facts and circumstances, the appropriate remedy for the petitioner is to approach the Judicial Magistrate, First Class, for redressal of his grievance.

5. Subject to the above observations the petition is rejected. Rule is discharged with no order as to costs.

[K.S. JHAVERI, J.]
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